IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WA.No. 1443 of 2007()

AGAINST THE JUDGEMENT IN OP.18443/1995 Dated 16/03/2005
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APPELLANT: PETITIONER

K.A.ABRAHAM, MANGATTORATHU,
ARUNOOTTIMANGALAM P.O., KOTTAYAM.

BY ADV. SRI.LEGY ABRAHAM

RESPONDENTS: RESPONDENTS
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1. THE LABOUR COURT, ERNAKULAM.

2. KUNNAPPALLY KSHEEROPADAKA SAHAKARANA SANGHAM LTD., NO.K. 73(D) APCOS, PERUVA.P.O. KOTTAYAM, REPRESENTED BY ITS PRESIDENT.

R2 BY ADV. SRI.JOSE J.MATHAIKAL
R1 BY SR.G.P. SMT. MEERA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

C.M.Appln. No.604 of 2007 and W.A.No.1443 of 2007

Dated, this the 26th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

The appellant in this appeal calls in question the correctness or otherwise of the orders passed by the learned Single Judge in O.P.No.18443/1995 dated 16th March 2005. By the impugned order the learned Judge has rejected the writ petition only on the ground that though the respondents were prepared to reinstate the petitioner into service, for some reason or other the petitioner did not chose to accept the offer made by the respondent society.

2. There is a delay in filing the writ appeal. For condonation of delay in filing the appeal, petitioner has filed an application under section 5 of the Limitation Act.

3. In the affidavit filed along with the application the petitioner has stated that he was suffering from some ailments and further there was a tussle between him and his son and therefore he could not contact his advocate to prefer an appeal within the period of limitation.

4. There is a delay of 772 days in filing the appeal and the delay in filing the appeal is not properly explained. The reason assigned by the applicant in the affidavit, in our opinion, is wholly unsatisfactory. Therefore the said explanation cannot be accepted by us. Therefore the application

for condoning the delay in filing the appeal requires to be rejected. Accordingly it is rejected.

Consequently the appeal also stands rejected. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

mt/